

## Notice of Availability of Mediation

### LA CROSSE COUNTY FORECLOSURE MEDIATION PROGRAM *Finding Solutions*



#### **What is the foreclosure mediation program?**

A foreclosure mediation program is available to assist homeowners facing a mortgage foreclosure action in La Crosse County. Mediation is a confidential process where you and the lender seeking to foreclose on your home may discuss ways to resolve your foreclosure case, including reinstatement of the loan and modification of the loan terms.

You must live in and own the property that is subject to the foreclosure action to qualify for mediation under this program.

Mediation in this program is a two-step process. First, the homeowner works with a qualified housing counselor to prepare a proposal for mediation. After the proposal is prepared, a trained mediator is assigned to meet with the homeowner and the lender to help them reach agreement. Any discussions in mediation are confidential. Mediation is typically scheduled within 60 days of the date the application is received.

#### **How does the homeowner apply for foreclosure mediation?**

In La Crosse County, the Summons and Complaint served on the homeowner must contain notice of the availability of mediation and an application form. Forms are also available on our website: <http://www.co.la-crosse.wi.us/Departments/Court/docs/NoticeAvailabilityofMediation.pdf>  
The forms must be printed on pink colored paper.

A homeowner requesting mediation should follow the directions on the form and send the mediation application form to the La Crosse County Clerk of Court. The homeowner should request mediation within 15 days of receiving the Summons, but mediation may be available even after that date.

#### **Is participation in mediation required?**

Once the Application for Mediation is filed, participation is required for the homeowner/borrower and lender unless a previous mediation has been attempted or the court excuses participation for cause and upon request of a party. The decision to enter into a mediated agreement however is voluntary and neither the court nor the mediator will order or compel a party to enter into an agreement. Some reasons lenders may request not to participate include situations where mortgages were previously refinanced or modified under programs such as HARP and HAMP or when prior modifications did not work out.

### **How can the Housing Counselor help?**

In order to increase the chance of success at mediation, the homeowner must meet with a qualified housing counselor. Housing Counselors are specially trained and certified to go over financial information with the homeowner, and to discuss programs that may be available to avoid foreclosure.

When a homeowner requests mediation, they are matched with a housing counselor in this area. That housing counselor will help the homeowner gather information needed to look for programs that may be available and to prepare a proposal for the meeting with the mediator and the lender. If a homeowner fails to take this step, they will lose their eligibility for mediation. The qualified housing counselor in the La Crosse area is CONSUMER Credit Counseling Service of La Crosse, located at 311 Main Street in La Crosse. The telephone number is 608/784-8380.

### **What does mediation cost?**

There is no cost to apply for mediation or to work with a housing counselor. Once the case is scheduled for mediation, the homeowner and the lender must each pay a non-refundable fee of \$100 to the assigned mediator at least 10 days prior to the mediation.

### **Does the foreclosure stop during the mediation process?**

The application for mediation will suspend the foreclosure action during the period of mediation until the mediation has been successfully completed or referred back to the Court by the mediator either because of a lack of success or failure on the part of the homeowner to meet the requirements. Once the matter is referred back to the Court, the parties are required to abide by all required procedures and deadlines including the filing of an Answer or other Responsive Pleading. A failure to comply with required procedures and deadlines may result in a judgment being entered and you may lose your right to object to the allegations in the complaint.

### **Does the homeowner need a lawyer to participate in the mediation program?**

While everyone is always strongly encouraged to be represented by an attorney, homeowners are not required to be represented by an attorney. You can contact the Lawyer Referral to obtain the names of attorneys who may be able to assist you: <http://www.legalexplorer.com/lawyer/lawyer-hire.asp> or by telephone at **(800) 362-9082**.

### **Who must attend the mediation session?**

The mediation session must be attended in person by all homeowners. A representative of the lender must also attend in person and have authority to settle and negotiate the matter. The servicer must be available and can attend by telephone.

*The La Crosse County Foreclosure Mediation Program is administered by the La Crosse County Court with assistance from Marquette University Law School.*